

MRS. NOBLE IS ACQUITTED.

MURDER CASE BEGINS AT 9:30 AND SHE WALKS OUT FREE AT 3.

Two Ballots, One Informal, the Other Formal, Both Unanimous—Mrs. Noble in Hysterics Refuses to Touch the Pistol to Show How the Shots Were Fired.

Mrs. Josephine Leighton Noble, whose husband, Paton Noble, on the night of Nov. 12 last at their home in Long Island City, went free of the charge of his murder yesterday afternoon, just two minutes before the hands of the clock in the old court house at Flushing came to the hour of 3. It was, the lawyers said, the quickest murder trial in this State that they had ever heard of.

A jury was sequestered in 33 minutes. After the calling of many witnesses, the summing up on both sides and the Judge's charge, the jury was able to retire at 4:40 P. M. Then the Judge left the bench, but the spectators stuck to their seats. They had an idea that the finish was not far away.

Before any one expected it, Justice Gaynor returned to his chair and ten seconds later the jury hurried in. Mrs. Noble did not look at the two jurors, but kept her right hand to her head, rested her elbow on a table and closed her eyes. The lids quivered as though she was ready to cry, but no tears came. She was in suspense, but it was not long.

"Gentlemen," said the clerk to the jury, "have you agreed upon a verdict in the case of the People against Noble?"

"We have," said the foreman, "for the defendant."

"You find the defendant not guilty?"

"We do," said all the jurors.

Mrs. Noble opened her eyes, to see first her sister Lenore, who kissed her, and then her lawyer, Charles E. Le Barbier, who shook her hand and laughed as though it had been a foregone conclusion. Three or four women friends had been sitting near her inside the rail, and between kissing and shaking hands with some of the jurors she had a busy time for three minutes. She smiled in a sad way and repeated, "Thank you," in response to congratulations. Once, when she was asked what she thought about it all, she said, "What else could they have done?" Then she put on her black veil and went home to her father, an old sea captain, who was too nervous to go to the trial, and to her mother, who was too ill. They live in Long Island City, and there she will stay.

Justice Gaynor excused the jurors after thanking them for their promptness. They took only two ballots on the case, one informal, one formal, both unanimous.

Mrs. Noble came into court at 9:25 o'clock yesterday morning, accompanied by her sister and J. N. Hibbly of her defense. Her chief counsel, Mr. Le Barbier, formerly an Assistant District Attorney in this county, was already there. She is quite pretty. Her gown was of black and she wore a large black hat. Her sister Lenore wore light summer clothing. Another friend, Miss Burnell, was a study in green. The case was begun at 9:30 o'clock. At 10:05 the jury had been obtained.

District Attorney Gregg said he would prove that Noble was killed ten minutes after he reached his home on the night of Nov. 12 and that his wife shot him. He showed on his own coat where the bullet entered and declared that the wounds could not have been self-inflicted.

Dr. F. E. Bumster of Long Island City, one of the first witnesses called, did not respond to his name. Justice Gaynor waited fifteen minutes and then said sharply: "This is very discreditable. It is the worst I ever saw."

When Dr. Bumster, who had not expected that getting the jury would be such a swift affair, came into court, he explained to the Judge that he had been delayed and begged to be excused.

"This is the Supreme Court and it is entitled to respect," said Justice Gaynor sternly. "If I excuse you I shall be asked to excuse others. I fine you \$50, with the alternative of spending five days in jail." After luncheon this was reduced to \$25 and after the verdict was in at the request of the lawyers on both sides, the fine was remitted altogether.

Dr. Bumster told of finding Noble's dead body in the Noble apartments. There were two bullet holes in his shirt, a wound in the right breast and another just left of the median line in the chest. Mrs. Noble, he said, was almost hysterical.

Lottie Burnell, whose parents shared a house with the Nobles, was not in court when she was called as a witness and Justice Gaynor said loudly:

"Do the witnesses in this county think they can come into court at any time they please? If they do I will convince them otherwise before the day is over." He ordered the case to proceed without the missing girl.

Dr. Flynn, the Coroner's physician, told of Noble's wounds. As he had been late in coming to court he had an experience similar to that of Dr. Bumster. Both were sharply lectured at the end of the trial.

Mrs. Benjamin Burnell, who lived on the floor beneath the Nobles, said she heard the shots fired and the body fall. Mrs. Noble came down stairs to her with a revolver in her hand and another in her belt. She said she saw Mrs. Noble with a revolver and that she heard her say "I have been fired except with pressure on the handle, being of the 'safety' kind."

When Franz Mayer, one of the Nobles once boarded at 17 Wolsey street, Long Island City, came to the stand, Mrs. Noble plucked at Mr. Le Barbier's sleeve and whispered advice to him. Mayer said that the Nobles often quarreled and that Mrs. Noble was kept from the table for several days by a discolored eye.

"I heard their voices in anger and curses," said Mayer. "Once she spilled whiskey and it caught fire and she threw her shirt in the fire. Once he asked her where she had been and she told him she was none of his business. I heard her call him a damned kid. Once she got home late and we were waiting dinner. He said: 'Come to the table; we have pork and beans.' She said: 'Some day I'll give you beans you can't digest.'"

"She was gone a week once. Noble told her that if she kept on like that they would part some day. She told him to go to hell. 'Didn't they leave because they were disgusted with me?' asked Mr. Le Barbier. Mayer denied this.

"Didn't the Literary Digest come regularly to her and didn't you keep it from her?"

"You are accusing me of theft," cried the witness. "I never did it."

Mayer amused the listeners by trying to explain about his phantasies. He wanted to know that he never would have looked in the Nobles' window if he hadn't been searching for the phantasies.

"When I looked in," he said, "I saw Noble take a whisky bottle from her. She was about to hit him with it."

At recess the jury asked the Judge if they couldn't find some place other than the restaurant generally selected for jurors. They told him that they couldn't stand the food there, and the Judge humored them.

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dismissal, but was told to go ahead with the defense. Dr. Benjamin J. Strong said he thought the shots must have been fired almost instantaneously. Benjamin Burnell said that Mrs. Noble was irrational and hysterical when she came from her room. Miss Lottie Burnell, the belated, swore that the Nobles were loving and affectionate.

"Did they have any quarrels?" asked Judge Gaynor.

"No," said the witness.

"Did they have any spats?" asked Mr. Gregg.

"I don't know what you mean," said Miss Burnell.

"Didn't you say after you were before the Grand Jury that you heard them having spats, but that you weren't asked about it and so you didn't tell?" Miss Burnell denied this.

"Didn't you tell the Britts that you heard Mrs. Noble say 'I'll shoot you,' and then heard Noble say 'No, I'll shoot you'?"

"No, I didn't say that to any one."

"Didn't your father raise his hand and say 'I told you not to talk'?"

At this Mr. Burnell, the witness's father, jumped up and cried: "May I speak?"

"No," said Justice Gaynor. "We have heard you."

Mrs. Phillips, at whose home Mrs. Noble visited on the night of the shooting, said that she and her husband walked part way home with Mrs. Noble. They met Noble, and he and his wife went away together.

Mrs. Noble went on the stand at 2:48 P. M. She said she was 22 years old, and was married to Noble May 18, 1901, in the room where she was now being tried. She seemed bitter against Mayer, and tried to say that his reputation was not good, but Justice Gaynor checked her.

"Did you ever have any trouble with your husband?"

"With Pat? Never."

Mrs. Noble told how they had spent the summer together out of town and returned a few days before the shooting. On Nov. 12 she arranged for a dinner which they were to give to some friends the next day.

Paton did not come home for dinner that Saturday night, and at 8 o'clock I went to visit the Phillipses. On my way home with them, about 10:30 o'clock, we met Pat. He took me to our door and left me, saying he was going around the corner. I read for an hour, and he came home about 11:45. I had been putting summer clothes into my trunk that day, and I found three revolvers in the trunk. One of these I put on a table in front of a couch in my room. Paton came home, sat on the couch, and took off his coat and vest. I went to my room to undress, and when I returned I asked Paton how he liked my new hat. He said he would rather I had a black one. I picked up the revolver, I did not know it was loaded. I told him it was pretty, and that he ought to give it to me.

"He said, 'Give it to me.' I did not, and he reached out and took hold of it and pulled me toward him. His hand was around mine. The revolver went off, and I fell forward on my breast and it went off again. He fell to the couch, and then to the floor. I broke the revolver open the way Paton had shown me, so that it could not go off again.

"I knelt beside him and called, 'Pate, Pate, what can I do?' but he never answered.

All day Mrs. Noble had been quite calm, but when she came to the stand she was herself again, and with Mr. Le Barbier, was illustrating to the jury just how she and Noble were standing when the killing occurred.

But when District Attorney Gregg held out the revolver, and asked her to show the holds which she and her husband had on it, clouds of hysteria blew up.

"I won't take hold of that revolver," she cried. "What do you think I am?"

Mrs. Noble was on the stand 24 minutes. Then she went back to her seat, and looked calmly out of the big windows at the budding trees while the lawyers summed up. The Judge instructed the jury that they were to say whether she should be a prisoner for life or a free woman.

\$5,000 A YEAR FOR LEGAL AID.

Gift of Woman, Name Not Disclosed, to Be Used for Harlem Branch.

At a meeting of the board of directors of the Legal Aid Society, held yesterday, the president of the society, Arthur V. Brien, read a letter from Albert G. Milbank, an attorney of 42 Wall street, wherein Mr. Milbank, on behalf of an unnamed client, wished to contribute to the Legal Aid Society the sum of \$5,000, with the agreement that a like sum will be given annually for the establishment and maintenance of a branch of the Legal Aid Society in Harlem.

The president in his last annual report urged the necessity of the establishment of several additional branches, one of them to be located in Harlem, one in the Bronx and one in Brooklyn, each costing about \$5,000 per year.

The establishment of a Harlem branch was particularly urged.

Mr. Milbank says that he is not permitted to disclose the name of the donor but that it is her wish to increase the field of usefulness of the society, she being sincerely in sympathy with the work which the society is doing.

The money is to be given in the form of an endowment fund upon the book as the "Memorial Fund" until the name of the giver may be ascertained. Suitable quarters for the new branch will be secured by the offices in Harlem opened about May 1.

\$17,000 for Dressmaker Annie Driscoll.

A jury in the Supreme Court in Brooklyn has awarded Annie Driscoll, a dressmaker, of 887 Myrtle avenue, a verdict for \$17,000 in her suit against the Brooklyn Heights Railroad Company for personal injuries. She had her spine severely injured in a collision between two trolley cars on Aug. 18, 1903. She was twice seized with convulsions in court while the trial was in progress.

The Weather.

The storm area which was over the middle Atlantic yesterday, causing rain on the coast from Maryland to south New England.

Warm weather continued in most sections, but was cooler in New England and the extreme Northwest.

In this city rain fell in the morning; clearing weather in the afternoon; wind light northeast; average humidity 70 to 80 per cent; barometer, corrected to read sea level, at 8 A. M., 30.53; 9 P. M., 30.25.

The temperature yesterday, as recorded by the thermometer, is shown in the annexed table:

8 A. M.	10 A. M.	12 M.	2 P. M.	4 P. M.	6 P. M.	8 P. M.	10 P. M.	12 M.	1 A. M.	3 A. M.	5 A. M.
64	68	72	76	78	76	72	68	64	60	56	52

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW.

For eastern New York and eastern Pennsylvania, fair and somewhat cooler to-day; fair to-morrow; light to fresh northwest winds.

For New Jersey and Delaware, fair to-day and to-morrow; light west winds.

For the District of Columbia, Maryland and Virginia, fair to-day and to-morrow; light variable winds.

For western Pennsylvania and western New York, fair to-day and to-morrow; light variable winds.

CARNEGIE GIFT OF \$10,000,000

TO PENSION COLLEGE PROFESSORS WHO'VE PASSED 65.

Establishes a Trust Fund Under Control of College Presidents—Not More Than \$2,400 a Year—One Hope is to Make Room for Younger Teachers.

Andrew Carnegie announced yesterday that he had created a trust fund of \$10,000,000, the income of which is to pension those college professors in the United States, Canada and Newfoundland who through old age or other disability have become incapable of rendering efficient service. A minimum of 65 will probably be fixed as the old age limit.

The fund, which is vested in a board of trustees made up mainly of college presidents, consists of \$10,000,000 in 5 per cent. first mortgage bonds of the United States Steel Corporation, their actual market value at present being \$11,500,000. To the men who are for the present to be the trustees Mr. Carnegie wrote the following letter:

Mr. Carnegie's Letter.

NEW YORK, April 18, 1908.

GENTLEMEN: I have reached the conclusion that the least rewarded of all the professions is that of the teacher in our higher educational institutions. New York City generously and very wisely provides retiring pensions for teachers in her public schools and also for her policemen. Very few indeed of our colleges are able to do so. The consequences are grievous. Able men hesitate to adopt teaching as a career, and many old professors whose places should be occupied by younger men cannot be retained.

I have therefore transferred to you and your successors as trustees \$10,000,000 in 5 per cent. first mortgage bonds of the United States Steel Corporation, the revenue from which is to provide retiring pensions for the teachers of universities, colleges and technical schools in our country, Canada and Newfoundland, under such conditions as you may adopt from time to time. Expert calculation shows that the revenue will be ample for the purpose.

The fund applies to the three classes of institutions named, without regard to race, sex, creed or color. We have, however, to recognize that State and colonial governments which have established, or mainly support, universities, colleges or schools, may prefer that their relations shall remain exclusively with the State. I cannot, therefore, presume to include them.

There is another class which States do not aid, their constitutions in some cases even forbidding it, viz., sectarian institutions. Many of these, established long ago, were truly sectarian, but to-day are free to all men of all creeds or of none—such are not to be considered sectarian now. Only such as are under control of a sect or require trustees (or a majority thereof), officers, faculty or students to belong to any specified sect, or which impose theological tests, are to be excluded.

Trustees shall hold office for five years and be eligible for reelection. The first trustees shall draw lots for one, two, three or four or five-year terms, so that one-fifth shall retire each year. Each institution participating in the fund shall cast one vote for trustees.

The trustees are hereby given full powers to manage the trust in every respect to fill vacancies of non-officio members, appoint executive committees, employ agents, change securities and, generally speaking, to do all things necessary in their judgment to insure the most beneficial administration of the funds.

By a two-thirds vote they may from time to time apply the revenue in a different manner and for a different though similar purpose to that specified, should coming days bring such changes as to render this necessary in their judgment, to produce the best results possible for the teachers and for education.

No trustee shall incur any legal liability flowing from his trusteeship. All traveling and hotel expenses incurred by trustees in the performance of their duties shall be paid from the fund, the expenses of wife or daughter accompanying the trustee to the annual meeting included.

I hope this fund may do much for the cause of higher education and secure a source of deep and constant anxiety to the poorest paid, and yet one of the highest of all professions. Gratefully yours, ANDREW CARNEGIE.

These are the trustees chosen by Mr. Carnegie for the fund:

TRUSTEES CHOSEN BY MR. CARNEGIE.

President A. T. Hilday, Yale University; President Charles William Eliot, Harvard University; President William R. Harper, University of Chicago; President John D. Rockefeller, University of Wisconsin; President John W. Alden, University of Pennsylvania; President Edwin S. Redkey, University of New Orleans; President H. C. Thwing, Western Reserve University; President Thomas McCallister, Knox College, Galesburg, Ill.; President Edward C. Kirkham, University of Illinois; President D. P. Paul, University of Greenock, Ind.; President J. McClelland Bell, Drake University, Des Moines; President J. H. Denny, Washington and Lee University, Lexington, Va.; President J. V. Patterson, University of Montana; President J. W. Lawrence, University of Wisconsin; President David S. Straus, University of Pennsylvania; President W. H. Crawford, University of Maryland; President J. H. Pritchett, University of Virginia; President J. H. Pritchett, University of Virginia; President J. H. Pritchett, University of Virginia.

All the trustees have accepted the office and each of them in his letter to Mr. Carnegie spoke in the highest terms of the benefaction.

The gathering of statistics upon which Mr. Carnegie made his estimate that \$10,000,000 was a sufficient fund was conducted by Vice-President Frank A. Vanderbilt of the National City Bank and Henry S. Pritchett, president of the Massachusetts Institute of Technology.

AID FOR 93 INSTITUTIONS.

"Taking into consideration Mr. Carnegie's provision against sectarian institutions," said Mr. Vanderbilt yesterday, "we found that ninety-three institutions would benefit by the fund. These include 3,900 persons in their faculties, and their salaries aggregate \$7,720,000. Instructors and assistants are not taken into account. Only professors, assistant professors, associate professors and executive officers, such as presidents, deans, secretaries, registrars and recorders, are affected."

"We found that the average salary of faculties in colleges is \$1,800; in technical schools and universities, \$2,200. That gives an average of \$2,000. The average age of professors seems to be 41 years."

"One thing the trustees have yet to settle is how to apportion the benefits of the fund to those institutions that have a pension system. Harvard, for instance, has a pension system which gives the trustee a vested right in the pension fund. It is based on number of years of service, and can go as high as 66 per cent. of full pay. Then, Columbia has a pension system. Ought such institutions receive benefit? And, if so, to what extent? These questions have yet to be answered."

YALE AND CHICAGO IN DOUBT.

Yale and Chicago universities still have query marks opposite their names on the list because they have provisions for a certain number of trustees of their respective denominations—Congregational and Baptist—which makes them sectarian according to Mr. Carnegie's definition. What will be done about them is not yet known.

The annuity of a professor from the "Carnegie Foundation," as the corporation will be styled, will in no case exceed \$2,400. The aim will be to make it equivalent of half pay.

A table prepared by Mr. Vanderbilt and Dr. Pritchett gives a list of the ninety-three

AGENCIES

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colleges, their professors and their salaries.

SOME OF THE COLLEGES AFFECTED.

Number in faculty.	Total Salary.	Average Salary.
Harvard.....137	\$87,000	\$2,500
Cornell.....154	\$23,350	2,100
Johns Hopkins.....73	14,000	2,000
Yale.....119	29,000	2,000
Princeton.....61	16,800	2,700
Chicago.....124	24,000	1,900
Ale.....124	210,000	1,600
Amherst.....35	74,400	2,100
Dartmouth.....50	108,000	2,160
Hamilton.....18	30,000	1,700
Harvard.....41	41,320	1,900
Wellesley.....81	99,600	2,200
Mass. Inst. Tech.....63	131,150	2,400

"When we were looking for these figures," said Mr. Vanderbilt, "we didn't disclose the object of our quest and we had the hardest time to get some of the colleges to answer us. The Columbia figures aren't in yet."

FUND TO BE INCORPORATED TO-DAY.

The Carnegie Foundation will be incorporated in the State of New York probably to-day. The first meeting on Nov. 18 next will take place in Mr. Carnegie's house. Mr. Carnegie, it was said yesterday, has great hope that his fund will secure a class of men to the teaching profession that have not sought it before.

GIVES \$135,000 TO COLLEGES.

Dr. Pearson of Chicago Divides the Sum Among Five Southern Institutions.

CHICAGO, April 27.—Dr. Daniel K. Pearson, the well known philanthropist, made gifts to-day amounting to \$135,000 to five Southern colleges. At the same time he rejected the requests of about 400 other institutions. The recipients are: Guilford College, Greensboro, N. C., \$25,000; Piedmont College, Demorest, Ga., \$25,000; Washington College, Tennessee, \$25,000; Grant University, Chattanooga, Tenn., \$10,000; West Virginia Seminary, Morgantown, W. Va., \$10,000.

"You can say for me," said Dr. Pearson to-day, "that I am through for the present, and will pay no attention to requests for gifts for six months. It will be about that long a time before I will commence again."

STUDENTS SHUT OUT.

Landlords Wouldn't Take Them In, Fearing Their Exuberant Spirits.

NEW BRUNSWICK, April 27.—About fourteen members of the Wesleyan College baseball team struck town last night. They applied at several hotels for accommodations. The boys were in pretty lively spirits and the hotel keepers seemed to fight shy of them. With or without cause, the hotelmen seemed to think that if they let them in they would soon make the hotel too lively.

At the Mansion House room could have been made for them, but Mr. Mas, the proprietor, seemed trouble and would not let them in. They returned a second time after visiting other hotels, but it was of no use. The Wesleyans were compelled at midnight to take a train for Newark, where they stayed over night. They returned here this afternoon for their baseball game with Rutgers.

He carried an electric flashlight. He turned the rays on Mrs. Dreux, and as he did so she sprang from the bed and seized him. At the same time she shouted "Murder! Police!" Mrs. Dreux says she smiled as if sympathizing with her. He grappled with her and then threw her back on the bed, but not roughly. He then turned and dashed down the front stairs.

Joseph Garlick, who lives next door, heard Mrs. Dreux's cries. He seized his revolver, and without waiting to put on any clothing ran into the street. The burglar had disappeared in a dense fog. Garlick fired seven shots and awoke the neighborhood.

Mr. Dreux is a sound sleeper. He was in a room on the opposite side of the hall. The commotion and shouts of his wife finally awoke him. The burglar had entered Mr. Dreux's room, and got about \$100 from the pockets of his clothing.

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MRS. DREUX TAKLES A BURGlar.

He Throws Her Back Upon Her Bed, but Not Roughly, and Escapes.

BLOOMFIELD, N. J., April 27.—Mrs. Alexander P. Dreux, the wife of a lithographer whose office is in Manhattan, had a struggle with a burglar in her home on Berkeley avenue early this morning. It was nearly 1 o'clock when Mrs. Dreux awoke and saw a man standing near the foot of her bed opening a bureau drawer. She thought at first it was her husband and she spoke to him, but got no reply. The man turned quickly and then she saw it was not her husband.

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